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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,788

12/09/2003

Stephen Wayne Metz

GEMS 142193XZ(3880)

4816

7590

04/07/2006

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EXAMINER

KIM, AHSHIK

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/730,788	Applicant(s) METZ ET AL.	
	Examiner Ahshik Kim	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/17/06 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
37 CFR 1.114. Applicant's submission filed on January 17, 2006 has been entered.

Amendment

10 2. Pursuant to filing of Continued Examination, the amendment filed on December 16, 2005
is entered. In the amendment claims 1, 10, 18 and 20 were amended. Currently, claims 1-24
remain in the examination.

Claim Rejections - 35 USC § 102

15 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
25 States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-3, 5-8, 10-22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 6,656,120, cited in previous Office Action dated June 15, 2005, hereinafter "Lee").

Re claims 1, 3, 10, 12, 16, 18, and 22, Lee discloses an ultrasound imaging system using
5 a knowledge-based image adjusting means which obtains the optimal ultrasound image by automatically adjusting image parameters (see abstract; col. 1, lines 61+). A patient identification is provided by a health card 10 which stores identification information and medical information such as physical condition, diseases, and medical history (col. 2, lines 59+; col. 3, lines 1+). The similarity calculation unit 30 – a programming, utilizing the patient information
10 retrieved, selects the optimal parameter from the reference parameter database (col. 3, lines 29+). As shown in figure 4, the medical imaging system 200 is comprised of a card reader (col. 3, lines 1-6).

Re claims 2, 6-8, 11, 14, 15, 19, 21, and 24, the patient information include the patient's medical history (col. 2, lines 66). Patient going to a hospital or clinic to get a procedure is an
15 occurrence of predetermined event. Once the card is inserted into the reader (not shown), the information is obtained by the read command of the card reader.

Re claims 5 and 13, the patient information, although not explicitly stated, can be updated in the patient database (col. 2, lines 10+). Insert, read, update and delete are main operations of the database software.

20 Re claim 17, the patient record includes a diagnostic image (col. 3, lines 6+).

Re claim 20, the components of the system as illustrated in figure 4 are in communication with each other (col. 2, lines 7+), a part of a hospital's network infrastructure (col. 3, lines 1-14).

The network infrastructure is primarily a land-based communications cable including telephone/telecommunication lines. It could very well include a wireless components.

Claim Rejections - 35 USC § 103

5 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15 6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20 7. Claims 4, 9, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6,656,120) in view of McCabe et al. (US 6,068,192, hereinafter "McCabe").

The teachings of Lee have been discussed above. Lee, however, fails to specifically teach or fairly suggest that the identification tag restricts access to the identification tag to predetermined systems or individuals.

25 McCabe discloses a smart card 10 with means to protect data from unauthorized individuals (see abstract). The card can be used as a medical record for a patient (col. 2, lines

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24+) wherein the general information may be allowed to everyone, but access to other data may be restricted (col. 6, lines 9-29). The microprocessor 19 of the smart card (col. 4, lines 42+) is a monitor for the card.

In view of McCabe's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known access grating schemes to the teachings of Lee in order to protect the privacy of the patient. At the same time, access must be given to designated people such as doctors, service providers, and administrators. Such information protecting method is well known in the art where the protection of sensitive information is particularly valued. For example, as disclosed in McCabe (col. 5, lines 33-36), when a tampering or an attempt for unauthorized access is detected, the information is self-destroyed for the sake of card-holder.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sluis (US 6,506,155); Seto et al. (US 6,157,914); Ikeda (US 6,538,831); Morris (US 6,161,757); Schmitt et al. (US 5,866,745); Mortimore et al. (US 5,950,207); Honda et al. (US 6,021,393) disclose patient information management systems. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available for Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Primary Examiner
Art Unit 2876
March 22, 2006